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August 6, 2021

Magistrate Judge John Nivison
U.S. District Court, District of Maine
Edward T. Gignoux U.S. Courthouse
156 Federal St.
Portland, ME 04101

RE: Ed Friedman v. Central Maine Power Company
Civil Action, Docket No. 20-cv-00237

Dear Magistrate Judge Nivison:

I am writing in follow-up to the July 21, 2021 hearing on Central Maine Power Company's Request for Modification of the Amended Proposed Scheduling Order.

During the hearing, I quoted to the Court certain language from a submission Central Maine Power Company (CMP) proposed to file with the Maine Public Utilities Commission (MPUC). I read into the record an excerpt from the following paragraph of the proposed MPUC submission:

. . . CMP requests that MPUC modify its opt-out order to allow disabled customers who establish through a notarized declaration by their Maine-licensed medical physician that they have a disability, the symptoms or progression of which is likely to be negatively impacted unless they limit their radio-frequency exposure, to choose a non-standard meter without imposition of the additional opt-out fee charged to all opt-out customers under the current regulations.

That language was consistent with the language which appears in ECF 36, at page 3 (Page ID #558) (representing that CMP would ask the MPUC to issue an order allowing the company to waive the opt-out fee charged to the Plaintiff upon receipt of satisfactory evidence that RF exposure "is likely to negatively impact the symptoms or progression of his disease").

As the Court is aware, the parties continue to dispute whether a modification of the MPUC's Opt-Out Order along the lines suggested in the proposed MPUC filing would satisfy CMP's obligations under the statutes which are the basis for the Plaintiff's

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suit (the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Amendments Act). CMP is reluctant to engage in an agency process that would not have the effect of advancing its efforts to resolve this case. Therefore, CMP has concluded that it makes more sense to depart from its previously-planned approach, and instead seek from the MPUC an order permitting it to waive solely the opt-out fees it has charged to the Plaintiff. A copy of CMP's substantially-revised submission to the MPUC, requesting that more limited relief, is attached.

I am not asking for any further relief from the Court. I am submitting a copy of this revised MPUC filing simply to explain that CMP's plan moving forward has changed since the July 21, 2021 hearing, and that the representations which were made during the hearing were accurate at the time they were made.

Very truly yours,

/s/ Christopher C. Taintor

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